

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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GAIL K. JONES,	:	CIVIL ACTION
Plaintiff	:	
	:	No.: 02-CV-2813
v.	:	
	:	JURY TRIAL DEMANDED
LOWER MAKEFIELD TOWNSHIP,	:	
	:	
Defendant	:	

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**ANSWER OF DEFENDANT, LOWER MAKEFIELD  
TOWNSHIP TO PLAINTIFF'S CIVIL ACTION COMPLAINT WITH NEW MATTER**

1. Denied.
2. Admitted.
3. Admitted.
4. Admitted. By way of further answer, supplemental jurisdiction for Pennsylvania claims.
5. Denied.
6. Admitted.
7. Admitted.
8. Admitted.
9. Admitted.
10. Admitted.
11. Admitted.
12. Admitted. By way further answer, Complainant was the number one candidate based upon the written test scores, Chief's points and Lieutenant's evaluation points.
13. Admitted. By way of clarification, Plaintiff's oral board score was so low that it

placed her last in the rank.

14. Denied.

15. Admitted.

16. Denied as stated.

17. Denied as stated. Upon Chief Ronaldo's demise on May 17, 1999, Sgt. Joseph Bainbridge was appointed Acting Chief. There was a temporary vacancy in the position of Sergeant. The Police Benevolent Association filed a grievance with the Township asserting that Acting Command Positions must be immediately filled. The Township entered into a settlement with the Police Benevolent Association on February 11, 2000. Pursuant to the Settlement Agreement attached hereto as Exhibit "A", if there is a current active promotion list, the person ranked the highest on that list serves in the acting capacity. If there is no then-current promotion list, or if the promotion list expires, the most senior person in the lower rank serves in the acting capacity.

In this case, Cpl. Dolton was ranked the highest on the active promotion list from 1998. He was made Acting Sergeant. He serves as Acting Sergeant until May 2000, when the active promotion list expired. At that time, Cpl. Johnson, the most senior Corporal, was made Acting Sergeant.

On October 9, 2000, Ken Coluzzi was appointed by the Board of supervisor as Chief of Police. At that time, Sgt. Joe Bainbridge's status of Acting Chief ended and he reverted to his prior rank as Sergeant. Therefore, there was no vacancy in the position of Sergeant until July 22, 2001. On July 22, 2001 Sergeant Tim Roche was Promoted to Captain and Sergeant Ansbury was named Lieutenant. Senior Corporal Gail Jones and Senior Corporal Johnson were named acting sergeants. On September 22, 2001 the test for permanent positions was administered and on December 2, 2001 Gail Jones was appointed a permanent position as Sergeant.

18. Denied as stated. Upon Chief Ronaldo's demise on May 17, 1999, Sgt. Joseph Bainbridge was appointed Acting Chief. There was a temporary vacancy in the position of Sergeant. The Police Benevolent Association filed a grievance with the Township asserting that Acting Command Positions must be immediately filled. The Township entered into a settlement with the Police Benevolent Association on February 11, 2000. Pursuant to the Settlement Agreement attached hereto as Exhibit "A", if there is a current active promotion list, the person ranked the highest on that list serves in the acting capacity. If there is no then-current promotion list, or if the promotion list expires, the most senior person in the lower rank serves in the acting capacity.

In this case, Cpl. Dolton was ranked the highest on the active promotion list from 1998. He was made Acting Sergeant. He serves as Acting Sergeant until May 2000, when the active promotion list expired. At that time, Cpl. Johnson, the most senior Corporal, was made Acting Sergeant.

On October 9, 2000, Ken Coluzzi was appointed by the Board of supervisor as Chief of Police. He recently retired from the Philadelphia Police Department to join the Lower Makefield Police Department. At that time, Sgt. Joe Bainbridge's status of Acting Chief ended and he reverted to his prior rank as Sergeant. Therefore, there was no vacancy in the position of Sergeant until July 22, 2001. On July 22, 2001 Sergeant Tim Roche was Promoted to Captain and Sergeant Ansbury was named Lieutenant. Senior Corporal Gail Jones and Senior Corporal Johnson were named acting sergeants. On September 22, 2001 the test for permanent positions was administered and on December 2, 2001 Gail Jones was appointed a permanent position as Sergeant.

19. Denied. Gail Jones was promoted to Sergeant on December 22, 2001.

20. Denied.

21. Admitted.

**COUNT I**

22. Answering Defendant incorporate paragraphs 1 through 21 as though the same were set forth herein at length.

23. Denied.

24. Denied.

25. Denied.

26. Denied.

27. Denied.

28. Denied.

WHEREFORE, Answering Defendant, respectfully request that judgment be entered in favor of Answering Defendant and against Plaintiff.

**COUNT II**

29. Answering Defendant incorporate paragraphs 1 through 28 as though the same were set forth herein at length.

30. Denied.

31. Denied.

32. Denied.

33. Denied.

34. Denied.

35. Denied.

WHEREFORE, Answering Defendant, respectfully request that judgment be entered in favor of Answering Defendant and against Plaintiff.

**COUNT III**

36. Answering Defendant incorporate paragraphs 1 through 35 as though the same were set forth herein at length.

37. Denied.

38. Denied.

39. Denied.

WHEREFORE, Answering Defendant, respectfully request that judgment be entered in favor of Answering Defendant and against Plaintiff.

**NEW MATTER**

40. Plaintiff's claims are barred by the Statute of Limitations.

41. Plaintiff's alleged damages are caused by her own actions or inactions.

42. Plaintiff failed to exhaust her administrative remedies.

43. Plaintiff has failed to state a claim.

44. Plaintiff is currently a sergeant and not entitled to any damages.

WHEREFORE, Answering Defendant, respectfully request that judgment be entered in favor of Answering Defendant and against Plaintiff.

DEASEY, MAHONEY & BENDER, LTD.

BY: \_\_\_\_\_  
CARLA P. MARESCA, ESQUIRE  
Attorney for Defendant  
1800 John F. Kennedy Blvd.  
Suite 1300  
Philadelphia, PA 19103-2978  
I.D. NO. 77568

Date: \_\_\_\_\_